

REMARKS

Reconsideration is respectfully requested.

Status of Claims

Claims 2, 4 and 6 have been cancelled.

No claims have been withdrawn.

Claims 11 through 13 have been added.

Therefore, claims 1, 3, 5, 7 through 13 are pending in this application.

Parts 1 through 4 of the Office Action

Claims 1, 5, 8 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Nishiyama.

Claim 3 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Nishiyama in view of Ancitil.

Claim 7 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Nishiyama in view of Young.

Claim 9 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Nishiyama in view of Ancitil and Young.

Claim 1 requires, in part, that “said handle member includes a gripping portion for being gripped by the hand of the user and an extension portion for selectively increasing and decreasing an effective length of said handle member” (emphasis added). Claim 1 further requires “said extension portion extending into the channel in said head member such that said head member is selectively positionable along a length of said extension member to selectively change a distance between said gripping portion and said head member” (emphasis also added).

It is contended in the rejection of claim 1 in the Office Action that:

The patent to Nishiyama discloses the invention as is claimed (see figs. 1, 8-12). Nishiyama discloses an apparatus comprising a handle member (203) with a gripping portion at one end (as in fig.1) and an extension portion at the other. The extension portion extends (fig-8) into a channel defined by portions (213,215) in boss (208) of head member (205). Note figures 11,12 wherein it can be seen that some adjustability in the length of the extension member into the channel is allowable.

The locking member is threadably (212,216) coupled with the head member such that rotation of the locking member acts to reduce the diameter of the channel to fractionally engage the extension of the handle. Thus, by adjusting the depth the extension is inserted into the channel, some adjustment of the length of the handle member is enabled.

However, it is submitted that one of ordinary skill in the art, considering the Nishiyama patent including the Figures 11 and 12 reproduced below, would not be led to understand that the Nishiyama patent discloses the claimed relationship. More specifically, although the line of argument in the rejection speculates about the "adjusting the depth the extension is inserted into the channel", nothing in the Nishiyama patent discloses or even suggests that the depth of insertion of the lower end 203 of the handle into the boss 209 of the cap 204 may be or should be varied, particularly for the purpose of adjusting the length of the handle.

Clearly, in both Figures 11 and 12 (as well as Figures 2, 8, and 14), the lower end 203 is fully and completely inserted into the boss 209. Thus, one can only speculate whether one of ordinary skill in the art would recognize that there is some adjustment disclosed or suggested by Nishiyama, as there is not in the prior art that discloses or suggests that. The fact that no meaningful degree of adjustment would be possible under the asserted theory also suggests that one of ordinary skill in the art would not recognize the Nishiyama device as meeting the requirements of the claims.

FIG. 11

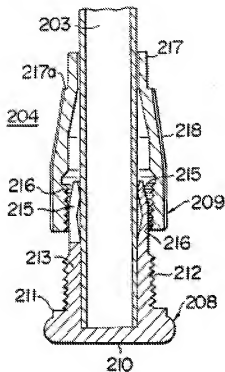
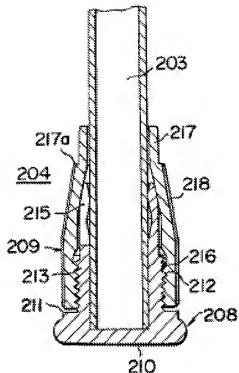


FIG. 12



Further, looking to the text of Nishiyama, it states with respect to Figure 12 and the insertion process (at col. 8, lines 28 et seq.) that (emphasis added):

First, the mop handle is idly inserted into the second boss 209 of the cap 204 and then a lower end of the handle 203 is inserted into the first boss 208. The second boss is then mated onto the first boss 208. The second boss 209 is rotated and its inner female threads 216 and the male threads 212 of the first boss 208 are threadably engaged. The second boss 209 is deeply inserted and its inner tapered wall gradually and strongly presses the petals 215 against the mop handle 203 with the threadable advance. At this moment, in a state that the first and the second bosses 208, 209 are securely threadably mated therewith, both bosses are constructed so that a gap is still provided between the lower end of the second boss 209 and the step 211 of the first boss 208 as shown in FIG. 12, whereby a stronger threadable mating is permitted and a completion of the threadable mating of the first and second bosses before the petals 215 sufficiently grip the handle 203 is

prevented. Thus, the mop handle and the cap are mutually secured. If the brush is preferred for cleaning, as the case may be, the flange 225 of the brush periphery 207 is inserted into the guide slit 221a on the backside of the straight blade 205a of the cap 205. In this instance, as the brush plate 224 is formed in U-shaped form and its forward end is arcuate and narrower, it is easily inserted, and as the back end has a wider width essentially identical with the width of the guide slit 221, the brush 207 is securely received in the slit 221 with a force by hand.

Nothing here says anything about any partial insertion of the lower end into the first boss 208, or is there any suggestion that partial insertion permits adjustment of any effective length. In light of what is stated in this portion, it is submitted that one of ordinary skill in the art would recognize that any attempt to partially insert the lower end would compromise the secure mating of the lower end of the handle and the cap that is discussed using the threaded interlocking of the first and second bosses.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Nishiyama, Anctil, and Young set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 3, 7 and 9.

Withdrawal of the §102(b) and §103(a) rejection of claims 1, 3, and 7 through 10 is therefore respectfully requested.

New Claim 13

New independent claim 13 includes the requirements of claim 1 as well as requirements that were suggested by the Examiner in the telephone conference shortly after the Notice Of Allowance was withdrawn. It is submitted that at least claim 13 is allowable for the reasons set forth by the Examiner during that telephone conference.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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